

1. The allegations of paragraphs 30, 31, and 32 of the Complaint are admitted.
2. The allegations of paragraph 4 are admitted in part and denied in part. It is admitted that Father Eric Ensey is a member of the Society of St. John. It is also admitted that Father Eric Ensey did at one time formerly reside for a period of time at St.

Gregory's Academy in Elmhurst, Lackawanna County, and at property owned by the Society in Shohola, Pike County, Pennsylvania. As to the balance of the averments of this paragraph of the Complaint, the same are denied and strict proof thereof is demanded at time of trial.

3. The allegations of paragraphs 1, 2, 3, 5, 8, 11, 13, 14 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 29, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 52, 53, 54, 55, 63, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, and 84 are denied as stated and strict proof to the contrary is demanded at time of trial.

4. The allegations of paragraphs 6, 7, 9, 10, 12, 23, 24, 27, 28, 47, 48, 49, 50, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 73 are not directed to Defendants, Father Eric Ensey, Father Carlos Urrutigoity, and the Society of St. John, and are, therefore, denied and strict proof to the contrary is demanded at time of trial.

5. The remaining allegations of Plaintiffs' Complaint are denied as stated and strict proof to the contrary is demanded at time of trial.

#### **First Affirmative Defense**

Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

#### **Second Affirmative Defense**

The Court lacks jurisdiction over the subject matter of this claim.

#### **Third Affirmative Defense**

It is averred that the statute of limitations, and/or the statute of repose, applicable to this case, is pleaded as an affirmative defense and as a bar to this action.

WHEREFORE, Defendants, Father Eric Ensey, Father Carlos Urrutigoity, and the Society of St. John, demand that Plaintiffs' Complaint be dismissed and judgment entered in their favor.

Respectfully submitted,

FOLEY, COGNETTI, COMERFORD,  
CIMINI & CUMMINS

BY: s/ Sal Cognetti, Jr., Esquire  
SAL COGNETTI, JR., ESQUIRE

BY: s/ Vincent S. Cimini, Esquire  
VINCENT S. CIMINI, ESQUIRE

Joseph O'Brien, Esquire  
Oliver, Price & Rhoades  
1212 S. Abington Road  
P.O. Box 240  
Clarks Summit, Pa 18411

Harry T. Coleman, Esquire  
148 Adams Avenue  
Scranton, Pa 18503

The following counsel have been served via First Class U.S. Mail:

James O'Brien, Esquire  
538 Spruce Street, Suite 504  
Scranton, PA 18503

Joseph F. Leeson, Jr., Esquire  
Leeson & Leeson  
70 East Broad Street  
P.O. Box 1426  
Bethlehem, PA 18016

Joseph F. Gaughan, Esquire  
300 Mulberry Street, Suite 203  
Scranton, Pa 18503

Respectfully submitted,

FOLEY, COGNETTI, COMERFORD,  
CIMINI & CUMMINS

BY: s/ Vincent S. Cimini, Esquire  
VINCENT S. CIMINI, ESQUIRE

Dated: April 6, 2004